

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY GR  
DEPUTY

BANK ONE, NATIONAL ASSOCIATION, fna  
First National Bank of Chicago,  
Plaintiff,

-vs-

Case No. A-06-CA-494-SS

CHRISTOPHER MICHAEL and ALL OTHER  
OCCUPANTS OF 23606 HILLVIEW CIRCLE,  
MARBLE FALLS, TEXAS 78654,  
Defendants.

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**ORDER**

BE IT REMEMBERED on the 7<sup>th</sup> day of September 2006 the Court reviewed the file in the above-styled cause, and specifically the Motion to Remand [#4] filed July 27, 2006, and thereafter, the Court enters the following:

This lawsuit was originally filed in the Justice Court, Precinct Number 2 of Travis County, for forceable entry and detainer with regard to property within the Justice Court described. A notice of removal was filed in this Court on June 27, 2006, with the defendant Christopher Michael alleging he was served on June 16, 2006. The motion to remand was timely filed, and Christopher Michael has not contested the Motion to Remand, therefore, this motion is not contested under the Local Rules of the Western District of Texas and could be granted as such. However, it is clear that the United States District Court does not have jurisdiction in this case, and this is a non-removable case. Christopher Michael has not responded to the Motion to Remand and has not established federal court jurisdiction.

IT IS THEREFORE ORDERED that the Motion to Remand is GRANTED, and this cause is remanded back to the Justice Court, Precinct Number 2 of Travis County, Texas, and all costs, along with attorney's fees in the amount of \$250.00, are assessed against Christopher Michael, for which let execution issue.

SIGNED this the 7<sup>th</sup> day of September 2006.

  
UNITED STATES DISTRICT JUDGE